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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to education, Kishore Singh

Addendum

Mission to Bhutan*,**

Summary

The Special Rapporteur on the right to education undertook an official visit to Bhutan from 26 May to 3 June 2014. The present report sets out his findings and recommendations on the situation of the right to education in Bhutan. The Special Rapporteur welcomes the progress made by Bhutan in the field of education in recent years, including the increasing access of boys and girls to primary and secondary education, and measures taken to improve the quality of education.

As a result of those efforts, basic education, comprising one year of pre-primary education to six years of primary school and four years of secondary school, is free and compulsory. Forty per cent of meritorious students are offered government scholarships for two additional years of secondary schooling. Students completing basic education can take advantage of tertiary education and technical and vocational education and training. University-level education is available, based on merit, for graduates of grade 12.

Bhutan has achieved near universal primary education enrolment. While equality between boys and girls is ensured throughout primary education levels, girls are underrepresented in the final two years of secondary school and at all tertiary levels.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

** Late submission.

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Despite the significant recent progress made with modest means, some areas of concern remain. The right to education forms part of the constitution, but an education act has not yet been developed. Children without citizenship or residency rights may not always be enrolled in schools. Technical and vocational education and training is not adequately responsive to the needs of the nation and reforms to remedy that situation remain insufficient.

The report also takes special note of the efforts by the Government of Bhutan to develop an education system which considers factors beyond literacy and numeracy. Educating for "gross national happiness" is an outstanding feature of the Bhutanese conception of human development. That is commendable as a national goal. However, it requires additional work and support to ensure that it is adequately mainstreamed into the education system and made relevant to Bhutanese students and society at large.

Bhutan has sought to replace the concept of gross national product with gross national happiness and by bringing those values into the education system, Bhutan may be demonstrating a way to promote sustainable development without causing undue harm to the environment, or social and cultural traditions, and by reducing inequalities between rural and urban students.

Annex

[English only]

Report of the Special Rapporteur on the right to education, Kishore Singh, on his mission to Bhutan (26 May–3 June 2014)

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I. Introduction

1. The Special Rapporteur on the right to education, Kishore Singh, carried out an official visit to Bhutan from 26 May to 3 June 2014 at the invitation of the Government. He wishes to extend his gratitude to Prime Minister Tshering Tobgay for taking the time to meet with him and engage in a genuine dialogue on the right to education as a national development priority.

2. During his visit, the Special Rapporteur met with a number of high authorities, including the Minister of Education, Mingbo Dukpa; the Minister of Home and Cultural Affairs, Damcho Dorji; Minister of Labour and Human Resources, Ngeema Sangay Tshempo; and Minister of Finance, Namgay Dorji.

3. He also met with senior government officials, including the Director-General of the Policy Planning Division, Ministry of Foreign Affairs; the Secretary of Education; the Director of the Gross National Happiness Commission; members of the Royal Education Council and of the National Commission for Women and Children; the Vice-Chancellor of the Royal University of Bhutan and a number of parliamentarians.

4. The Special Rapporteur had the opportunity to visit a number of educational institutions, including pre-primary, primary and secondary schools, as well as technical post-secondary education institutions and the Royal University of Bhutan. He also met with representatives of civil society and United Nations agencies, in particular the United Nations Development Programme (UNDP).

5. The Special Rapporteur expresses his gratitude to the Government of Bhutan for its invitation and the full cooperation extended throughout his visit. He also extends his thanks to the Resident Coordinator of UNDP in Bhutan and her staff and all those who took time to meet with him and share their experiences in the field of education.

II. Education as a high priority for national development

6. The Special Rapporteur was encouraged to see that education is a high priority for national development. The eleventh five-year plan (2013–2018)[1] demonstrates Bhutan's commitment to education. The plan sets out the pledge by the Government of ensuring "prosperity for all" through the effective empowerment of its people (*wangtse chhirpel*). It provides a path for Bhutan to achieve self-reliance and an indispensable role for education. The policy framework entitled "Bhutan 2020: a vision for peace, prosperity and happiness" and the education sector strategy, "Realizing vision 2020",[2] articulate the goals and processes for achieving Bhutan's unique development objectives of gross national happiness.

III. International human rights obligations of Bhutan

7. At the international level, Bhutan is party to several international human rights treaties, including the Convention on the Rights of the Child and its Optional Protocols on

[1] Gross National Happiness Commission, *Eleventh Five-Year Plan 2013–2018*, vol. 1 (Thimphu, 2013). Available from www.gnhc.gov.bt/wp-content/uploads/2013/11/Eleventh-Five-Year-Plan.pdf.

[2] Available from www.gnhc.gov.bt/wp-content/uploads/2011/05/Bhutan2020_1.pdf and **Error! Hyperlink reference not valid.** %20Strategy%20Vision%202020.pdf, respectively.

the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women. Bhutan has signed but not ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities. Collectively, those instruments contain many provisions related to the right to education and place an obligation on the State to take all necessary steps to protect, promote and fulfil the right to education for all persons in its territory, without discrimination.

8. However, the Special Rapporteur is concerned that Bhutan has not ratified the International Covenant on Economic, Social and Cultural Rights, or the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education. Those treaties are important, as they provide comprehensively for the right to education.

IV. Constitutional and policy framework for education

9. The constitution of Bhutan was adopted on 18 July 2008 in connection with its transition to a democratic, constitutional monarchy and contains several provisions on the right to education in its various dimensions.[3]

10. Article 9.15 of the constitution states that: "The State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality."

11. Article 9.16 stipulates that "The State shall provide free education to all children of school-going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit."

12. Those constitutional provisions are further supported by a number of important policies. The national education policy of 2011 ensures that all Bhutanese children, including those with special needs, have access to a quality basic education (up to grade 10 or equivalent) that is free (in terms of tuition fees and textbooks) and equitable. The policy also sets standards for access, quality, curricula, assessment, the management of school performance and teaching.[4]

13. The tertiary education policy of 2010 provides a framework for universities, colleges and autonomous institutions.[5]

14. The technical and vocational education and training policy of 2013 provides the framework for vocational education and training. The policy requires the development of a vocational qualifications framework, which will allow for the recognition of skills already

[3] "Constitution of the Kingdom of Bhutan". Available from www.bhutanaudit.gov.bt/About%20Us/Mandates/Constitution%20of%20Bhutan%202008.pdf.

[4] Ministry of Education, "National education policy", part I (March 2012). Available from www.gnhc.gov.bt/wp-content/uploads/2011/05/NEP-2012-21st-March.pdf.

[5] Tertiary Education Division, Department of Adult and Higher Education, Ministry of Education, "Tertiary education policy of the Kingdom of Bhutan, 2010". Available from www.planipolis.iiep.unesco.org/upload/Bhutan/Bhutan_Tertiary_education_policy_2010.pdf.

learned, as well as providing a mechanism whereby students can continue into post-secondary education programmes.[6]

15. The Special Rapporteur is appreciative of the fact that the constitution and the education policies provide a solid framework which ensures 10 years of free and compulsory primary and secondary education, as well as merit-based opportunities for further education, regardless of race, gender or social class.

16. The national language is Dzongkha, which is the medium of instruction during the first two years of primary education. Education beyond that period is provided in English. However, Dzongkha continues to be taught as a separate course, as nearly 75 per cent of Bhutanese speak one of 24 other languages and dialects.

17. The Special Rapporteur notes, however, that much work remains to be done to develop a framework based on laws, rather than practices, policies or interpretations, so that in keeping with the provisions of the constitution, the right to education is placed within a national legal framework.

V. Education system

A. Profile of the education system

18. Basic public education in Bhutan is available without restriction. It is open to all children, regardless of their race, gender, social or economic status, or background, who are legally residing in the country. It is also integrated and inclusive, taking students of all religions and backgrounds, and accommodates children with disabilities in eight schools, with plans to staff and equip seven more. Further, it is co-educational, with boys and girls studying together in schools. However, only children who are Bhutanese citizens, or who have applied for refugee or immigrant status, are enrolled. Others, including stateless children, remain outside the education system.

19. Education in Bhutan begins with one year of free pre-primary education at the age of six, followed by grades 1 to 6, as the primary education cycle. That is followed by a six-year secondary education cycle of grades 7 to 12, which includes four free and compulsory years and two final years available for free to the top 40 per cent of grade 10 students. The 10 years of free and compulsory primary and secondary education are referred to as "basic education". Twelve years of primary and secondary education can also be provided in private schools. Those who complete grade 12 are then eligible to apply for tertiary education, based on academic merit, in public and private colleges. All students who have completed grade 10 may apply for technical and vocational education and training programmes.

20. At the end of the primary cycle, students are required to sit for a national-level examination, which is set by the Bhutan Council for School Examinations and Assessment but administered and assessed by the schools. At present, about 85 per cent of the students who reach the end of the primary cycle continue to the next level of education, while others drop out or repeat classes.

21. Secondary cycle students take national examinations at the end of grades 10 and 12. As of 2013, nearly three quarters of students who completed grade 10 have continued for

[6] Ministry of Labour and Human Resources, "Technical and vocational education and training policy" (Thimphu, 2013). Available from www.gnhc.gov.bt/wp-content/uploads/2011/05/TVET_Policy_draft_FINAL.pdf.

the final two years, while about one third of those who completed grade 12 have continued on to a general academic degree programme. The remaining students either repeat their exams to improve their scores, enrol in one of the technical and vocational education and training institutes, or leave education to find employment.

22. Tertiary education is currently provided through the Royal University of Bhutan, which administers a number of colleges.[7] In addition, Bhutan sends about 200 students annually on scholarships to universities in other countries, mostly to study medicine, engineering and agricultural sciences.

23. It is reported that private tertiary education is emerging in Bhutan, with three private colleges being proposed to the Government for approval, which are aimed at students who are currently studying internationally. Two of them seek to teach management, while the third will be a nursing and technical college. The Special Rapporteur cautions that the emergence of private tertiary education may draw talent and financial resources away from the public system. The Government should identify strategies to strengthen the public system to attract students currently studying abroad, rather than promoting privatized tertiary level institutions.

24. Bhutan has a decentralized, private monastic education system, offering education through 388 monastic schools and 3 nunneries, where a total of over 7,000 students are currently enrolled.[8] The monastic education system was formalized in the seventeenth century at the time of the foundation of the Kingdom of Bhutan and was the primary form of education until the introduction of the modern education system in the early twentieth century. Monastic education is aimed at teaching spiritual values through the study of ancient texts. The curriculum consists largely of religious rituals, grammar, poetry, numeracy, graphic arts and painting, chanting rhymes, philosophy, logic and meditation. From the seventeenth to the nineteenth centuries, monks held most government and administrative positions. However with the introduction of modern education, that is no longer the case. Today, monks are primarily involved in religious and ceremonial functions. Graduates of the monastic education system are entitled to apply to tertiary education programmes and may sit the civil service examinations, along with graduates of grade 12 in the formal public and private systems.

B. Access to education

25. Enrolment rates in education in Bhutan have risen dramatically in the last decade. According to a report of the Ministry of Education, in 2013 enrolment for grades 1 to 10 was 94 per cent. Children not currently enrolled live primarily in very remote areas which lack schools, or with nomadic families.

26. The overall literacy rate, comprising children and adults, is 63 per cent (72 per cent for males and 55 per cent for females), although there is an urban/rural divide at 79 and 56 per cent respectively.[9] With equal access to educational opportunities, that divide is expected to narrow.

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[7] They include Sherubtse College, Gaedugg College of Business Studies, two National Institutes of Education at Paro and Samtse, the College of Science and Technology, the College of Natural Resources, the Institute of Language and Culture Studies, the Royal Institute of Health Science, the National Institute of Traditional Medicine and Jigme Namgyel Polytechnic, which together offer higher education to 8,000 students annually.

[8] See *Eleventh Five-Year Plan*, vol. 1.

[9] See Asian Development Bank and National Statistics Bureau of Bhutan, "Bhutan living standards survey 2012 report" (2013). Available from www.nsb.gov.bt/publication/files/pub1tm2120wp.pdf.

27. The Special Rapporteur suggests that, in order to make education accessible to everyone free of cost as a right, free tuition, textbooks and sports items be provided by the Government. Where required, such as in remote and poor areas, meals and boarding facilities are partly subsidized or provided by the Government, which also provides free stationery to rural schools. Parents and communities are requested to provide small contributions or fees for school activities. In addition, a nominal admission fee is charged for every child enrolling in a pre-primary school, which can be waived by local school administrations in cases of need.

28. The constitution provides that education shall be free to all until the tenth grade and government scholarships are provided to the top 40 per cent of students for government secondary schools. Private secondary schools are emerging to take in students who have not received merit-based government scholarships, but only those who are able to pay the fees they charge can take advantage of that.

29. Despite public education being available to almost all children, the Government is supporting the development of private schools. There are currently 32 private schools, of which 12 cater for pre-primary and primary education and 20 provide secondary education. Six of the secondary schools are located in Thimphu and Phuentsholing, the biggest urban centres in the country. Most teachers in private schools lack academic teaching qualifications, although the Government is facilitating in-service training workshops to improve standards.

30. The Special Rapporteur notes with concern that there is no policy or legislation in place to regulate private providers in education; to ensure, for example, that private schools follow the same curriculum as public schools, even if this has been the practice so far.

31. Access to education is based on legal residence in Bhutan. One or both parent(s) must be Bhutanese, or in the case of a non-Bhutanese child, proof must be provided that the parents were authorized to bring their child into Bhutan.

VI. National achievements

32. The Special Rapporteur would like to emphasize some important progress he observed in Bhutan in implementing the right to education throughout the country, which he believes may be of particular interest to other least developed countries seeking to rapidly improve their educational systems.

33. Bhutan has almost achieved the Millennium Development Goals related to education by achieving near universal primary education enrolment with gender parity. It has also taken special measures to combat adult illiteracy. With the support of UNESCO, the non-formal education programme was introduced in 1991 with the objective of eradicating illiteracy. The national literacy rate has also improved from 59 per cent in 2005 to 63 per cent in 2013.

34. Currently, there are around 9,600 learners taught in 774 non-formal education centres in the country. The programme has had a positive impact, especially on women in rural areas, who constitute more than two thirds of the beneficiaries, by teaching them to read and write. Equally, the continuing education programme offers adults, who have had to leave school before completing their secondary education, the opportunity to upgrade their qualifications. In September 2009, during the award of the UNESCO Confucius Prize, the two programmes received an honourable mention for their emphasis on literacy and their focus on adults and out-of-school youth, particularly women and girls.

35. Bhutan has also placed emphasis on supporting the needs of children with disabilities. The Drukgyel Deaf Education School and the Khaling School for the Blind

provide specialized support, while the Ministry of Education oversees special education needs schools and programmes that provide inclusive education.

36. Bhutan's performance in education was widely recognized at the nineteenth session of the universal periodic review in 2014.

37. Bhutan adopted an extensive national human resource development policy in 2010. The Government has set professional, technical and vocational education as the highest priority within the education sector. There are currently 2,400 students, almost equally split between public and private institutions. The Ministry provides instructor training programmes for the staff of training institutes. Besides apprenticeships with partner companies, a village skills development programme, which teaches villagers basic agricultural skills, has been implemented in more than 1,200 villages.[10]

Educating for gross national happiness

38. The concept of gross national happiness is a uniquely Bhutanese contribution. As a paradigm shift from looking at development from a merely economic angle, it ushered in an alternative model to market-centred approaches to development. Coined in 1972 by the fourth King, Jigme Singye Wangchuck, who sought to modernize his country, the concept of gross national happiness has its foundation in the philosophic and cultural traditions of Bhutan and of Buddhism and aims to promote a holistic development concept that seeks to nurture both physical and mental well-being.[11] It recognizes that economic development serves primarily to improve physical well-being, without addressing the emotional, social and mental needs of people. Gross national happiness promotes the values of individual and social well-being that stress the pursuit of happiness. It is best understood as seeking to improve the overall well-being of citizens, rather than focussing only on economic development.

39. In order to address those broad objectives, Bhutan has created a policy which defines gross national happiness according to four pillars: (a) sustainable and equitable socioeconomic development, (b) the preservation and promotion of culture, (c) conservation and the sustainable utilization and management of the environment and (d) the strengthening of good governance. Using those pillars, it seeks to broaden the definition of development beyond a purely economic angle and to encourage citizens to consider development in a holistic manner.

40. The purpose of the pillars is to guide the Government in its policymaking by encouraging decisions which are propelled by sustainable development, aligned to fostering national human and spiritual well-being. For example, despite having significant natural resources, Bhutan has declined to permit extensive mining and forestry operations, as the environmental impact of such projects must be weighed against the economic benefits they may bring.

41. The Government of Bhutan has developed an elaborate framework of gross national happiness. The four pillars are elaborated into nine domains: psychological well-being,

[10] Asian Development Bank and Australia Aid, *Innovative Strategies in Technical and Vocational Education and Training for Accelerated Human Resource Development in South Asia* (Manila, 2014). Available from adb.org/sites/default/files/pub/2014/innovative-strategies-technical-vocational-education-training.pdf.

[11] See, for example, "What is GNH?", keynote speech by Jigmi Y. Thinley, Minister of Home and Cultural Affairs, on 21 June 2005 at the second international conference on gross national happiness. Available from www.bhutanstudies.org.bt/publicationFiles/OccasionalPublications/ThePhilosophyofGNHLyonpoJigmiThinley.pdf.

health, time use, education, cultural diversity and resilience, good governance, community vitality, ecological diversity and resilience, and living standards.[12] In accordance with those nine domains, Bhutan has developed 38 sub-indexes, 72 indicators and 151 variables that are used to define, analyse and evaluate gross national happiness.

42. At a time when market-centred approaches to development are being questioned, that paradigm shift in looking at development with a focus on social well-being and the pursuit of happiness should be applauded.[13] It is especially significant in furnishing an alternative model in order to align growth to socioeconomic, as well as cultural and spiritual, well-being.

43. The happiness-based approach to development has important implications for the education system of Bhutan. It must be seen in the light of article 9.15 of the constitution, which requires the country to "endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality." Those provisions echo article 26 (2) of the Universal Declaration of Human Rights, which also calls for education to "be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."

44. The concept of gross national happiness has evoked considerable interest from the international community and its importance as a holistic approach to development has been recognized by the United Nations. In General Assembly resolution 65/309 Member States were invited to "pursue the elaboration of additional measures that better capture the importance of the pursuit of happiness and well-being in development with a view to guiding their public policies." The concept also has significant implications for preserving education as a public good and for its humanist mission, in contrast to the instrumental approach to education, which confines it to the promotion of reading, writing and arithmetic. The Special Rapporteur applauds the efforts of Bhutan to develop a holistic approach through its policy work on educating for gross national happiness.

45. The Special Rapporteur, therefore, takes a particular interest in considering how Bhutan has attempted to develop an education system in accordance with the precepts of gross national happiness. Its implementation has required that the concept be embedded into the education system. Initial steps have included the development of a meditation and mind-training module for each grade, adding elements of gross national happiness into the school curriculum by, for example, increasing awareness of the environment in daily lessons and teaching classes on critical thinking and media literacy. Innovative school administrators have developed student-led school gardens to bring children from urban backgrounds into contact with nature.

46. The inclusion of the concept of gross national happiness is also intended to provide context and background to subjects being taught in educational establishments, with the hope that education will thereby become more relevant and engaging to students and teachers. Such an objective has underpinned education policy. Former Prime Minister Jigme Thinley told participants of a workshop on educating for gross national happiness that "Infusing GNH understanding creates a purpose and goal for teaching and learning to both teachers and students that makes study less burdensome and more enjoyable."[14]

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[12] For a more detailed description, see www.grossnationalhappiness.com/nine-domains/.

[13] See United Nations Research Institute for Social Development, "Social inclusion and the post-2015 sustainable development agenda" (April 2014), p. 5.

[14] "Proceedings: educating for gross national happiness workshop, 7–12 December 2009" p. 144. Available from www.gpiatlantic.org/pdf/educatingforgnh/educating_for_gnh_proceedings.pdf.

47. The rise of material well-being does not exclude a concomitant rise in environmental and cultural awareness; a capacity for giving primacy to social well-being; and a values-based engagement with society and politics. The Special Rapporteur notes that this ambition matches the aspirations found in the Universal Declaration of Human Rights and numerous international human rights treaties. Gross national happiness is akin to a human rights-based approach, which imparts strength and legitimacy to development planning. Human rights standards provide a normative framework that grounds development within a universal set of values, so that development is pursued in an equitable, just and sustainable manner.

48. Despite significant efforts by the Ministry of Education and others to promote the concept of gross national happiness, it was also reported during the visit that it needed to be better understood in order to evoke greater interest in the average Bhutanese citizen in fostering the concept as an overriding national cause. The aspiration of "educating for gross national happiness" is that it will inculcate values in all Bhutanese citizens which place economic interests within a greater social, environmental and cultural context. It remains a challenge for the Government to find ways to better implement those goals through the education system.

VII. Key challenges

49. Although Bhutan has placed education at the heart of its national development plans and has a number of achievements in the field of education to its credit, like many countries it is faced with challenges in making the right to education a full reality. A number of concerns were brought to the attention of the Special Rapporteur during his visit.

A. Universalizing access to education as a right

50. The right to education is enshrined in article 9.16 of the Bhutanese constitution, which provides for 10 years of education for all. Despite that, the most recent education policy continues to tie registration to citizenship or legal immigration status.[15] That distinction should be eliminated as soon as possible, and the changes widely advertised, to address children and adults without residency documents, including stateless children, who are present in Bhutan. While Bhutan deserves credit for its recent efforts to provide education to all registered children, especially those in rural areas, it must take measures to address the remaining barriers.

51. Bhutan faces the challenge of a small, sparsely populated country that is subject to immense immigration pressure from neighbouring States, including illegal immigration. That concern, however, cannot be addressed by denying the children of parents who lack documentation proving their right to reside in Bhutan their right to an education. All children who are in Bhutan for any period of time must have the right to access education.

52. The Special Rapporteur is concerned that local administrative practices may be preventing children of aliens within Bhutan from receiving an education. The right to education accrues to all children, regardless of their legal status, as described in the constitution. That is particularly relevant, owing to the unresolved status of many people of Nepalese or Indian ancestry who have lived in Bhutan for decades or generations without residency or citizenship rights. The Ministry of Education should continue to ensure local *dzongkhags* (administrative areas) and school administrators process all children without

[15] See Policy and Planning Division, Ministry of Education, "30th education policy guidelines and instructions", annex 5.

regard to their residency rights and that revised policies which clearly outline that are promulgated.

53. The Committee on the Rights of the Child expressed concern about alleged discrimination in education against children of Nepalese ethnic origin, including an inadequate number of educational institutions being built in areas populated by them. They do not receive education in their own language and the Committee also expressed concern about the lack of data on children of Nepalese ethnic origin attending school. The Government has responded by building more schools, reaching almost full enrolment, but instruction remains only in Dzongkha and English. Education statistics should be disaggregated to ensure that minority groups can be identified to eliminate any unintended negative outcomes.

54. The Special Rapporteur appreciates the efforts made by Bhutan to universalize access to education and the remarkable improvements achieved in a short space of time. Although only 1.3 per cent of primary school-aged students are not in schools, those who remain excluded are primarily children living in remote areas or with nomadic families, some of the urban poor and children with learning disabilities, who lack access to adequate facilities. The Special Rapporteur encourages the Government to take the required measures to reach all students, including at the secondary level.

55. A strategy currently being discussed to rationalize schools in remote areas is the construction of regional boarding schools. That would address the relatively high cost of rural schools and the difficulty in deploying qualified teachers. It will be important, however, to ensure that the cultural and emotional needs of children as young as six being taken away from their homes are adequately met and regularly overseen to ensure their welfare is fully respected. Further, the situation of children from disadvantaged backgrounds should not be impaired.

B. Improving the quality of the education system

56. The Bhutan Royal Education Council has reported that the current education system does not prepare students adequately for employment or post-secondary education.[16] Weaknesses were found in student performance; teacher qualifications, skills and ongoing training; classroom assessments; and teacher preparation, curriculum standards, resources and incentives for quality.[17] In its report, the Council was particularly concerned with the lack of qualified and motivated teachers, inadequate curricular resources and poor instructional leadership and in-service training. The Special Rapporteur notes that despite continuing improvements, Bhutan faces challenges in post-secondary programmes and the inadequacy of tertiary-level educational facilities. Less than 1 per cent of the total enrolment is in higher education.[18] In addition, grade 12 graduates struggle to succeed in foreign universities.

C. Strengthening the teaching profession

57. Having built sufficient schools to reach more than 96 per cent of all children, Bhutan now struggles to find a sufficient number of qualified teachers to staff them. Furthermore,

[16] Centre for Educational Research and Development, Paro College of Education, Royal University of Bhutan, *Quality of Education in Bhutan*, (Paro, 2008). Available from www.pce.edu.bt/sites/default/files/Quality%20of%20Education%2011.pdf.

[17] See, *Eleventh Five-Year Plan*, vol. 1, pp. 140–142.

[18] Education Sector Strategy, p. 7.

teachers, particularly in rural areas, are not well qualified or trained. Primary school teachers rarely have post-secondary or teaching degrees and not all current teachers have the inclination or aptitude to obtain higher certification. The Government is making a considerable investment in the teacher training college in Paro and provides continuing training opportunities, but the shortage of qualified teachers is likely to persist, as teaching is not perceived as a desirable career by most high-school graduates. The reliance on hiring foreign-qualified teachers, often from India or other nearby countries, must be seen as at best a temporary solution.

58. It was repeatedly indicated to the Special Rapporteur that teaching is the least preferred profession for high-school or university graduates. Reasons included a perceived lack of incentives, including low to average pay, a poor career path and a lack of social esteem for the profession.

59. The significant growth in the past 10 years of schools in remote and small communities has created considerable recruitment challenges, as few university-educated teachers are inclined to live in such conditions. At present, some schools in remote regions have fewer than 20 students in all grades, with only two teachers to staff them. Housing and poor quality of life discourage teachers from applying for remote job postings, as does the lack of transportation infrastructure, which can mean hours of arduous travel to the nearest large community. The financial incentives are insufficient to attract enough teachers to volunteer to accept remote placements. However, the planned construction of boarding schools for children from rural areas would entail prolonged separation from parents and its repercussions on the best interests of the child need to be borne in mind.

60. Current efforts at mainstreaming gross national happiness into teaching methods are a valuable contribution in this regard; incorporating the four pillars of gross national happiness into all curricula deserves further efforts. At the same time, it is important for the Ministry of Education to better explain the concept of gross national happiness and its key importance to both teachers and students through the media and public information training.

61. Achieving higher academic scores for students and improving employment outcomes for secondary school graduates are the overwhelming concerns of educators and parents, and the value and applicability of gross national happiness in teaching are inadequately understood. While such concerns are legitimate, efforts to promote educating for gross national happiness must be intensified.

62. It is opportune for Bhutan to explore the possibility of taking measures within the framework of the South Asian Association for Regional Cooperation (SAARC) for promoting education through collaborative endeavours, based on the experience of the SAARC development goals. That is an area which has enormous potential for Bhutan to take the initiative in exchanging experiences and learning from available examples, with a view to strengthening the right to education in the countries of the region.

D. Education of girls

63. Access to education for girls remains a challenge in rural settings, where girls are often kept at home to assist in domestic chores and where social expectations that women should be concerned with starting a family are strong. Affirmative action programmes are necessary, pursuant to the recommendation made by the Committee on the Elimination of Discrimination against Women in 2009 that Bhutan take temporary special measures to accelerate de facto equality between women and men, particularly through special education measures for promoting gender equality (see CEDAW/C/BTN/CO/7, paras. 15 and 16). The gender gap in secondary and higher education, where girls are increasingly falling behind, is a particular concern. According to 2013 national enrolment statistics, the number of girls

attending school exceeds that of boys in primary education, but that is not the case at the secondary level, owing to higher levels of females dropping out. Those statistics also show that the number of girls entering technical and vocational education and training is lower than that of boys and fewer girls are progressing to tertiary education. Many girls stop their education after 10 years and seek to start a family.

64. In post-secondary programmes, including technical post-secondary institutions, overall boys outnumber girls, with boys representing two thirds of university students. As university education is merit-based, that disparity is a result of complex social factors, including parental support and expectations. Non-traditional portrayals of women, particularly in the media, were suggested by educators as an important means to foster the interest of girls and women in post-secondary education. Low female interest in technical and vocational education and training may be related to employment perspectives, as some employers, such as construction or logistics companies, are unwilling to accommodate female staff.

E. Eliminating child labour

65. The Special Rapporteur was informed during his visit that in rural areas child labour, particularly related to subsistence agriculture, continued to be a concern. In its concluding observations, the Committee on the Elimination of Discrimination against Women expressed concerned at the persistence of child labour, in particular the situation of girl child domestic workers, who do not have access to education. The Committee urged Bhutan to strengthen its efforts to eradicate domestic child labour, and ensure that children, in particular girls, have access to education. The Committee also recommended that Bhutan engage in a public outreach campaign to inform the population about the need to ensure that the rights of all children including access to education are respected (see CEDAW/C/BTN/CO/7, paras. 31 and 32). The Special Rapporteur was encouraged to find that the Ministry of Education was aware of those concerns and continued to address them. However, he believes that more needs to be done to fully eradicate child labour.

F. Children with disabilities

66. The Special Rapporteur shares the concerns expressed by the Committee on the Rights of the Child in its most recent concluding observations on Bhutan (CRC/C/BTN/CO/2). The Committee noted the measures Bhutan had undertaken to enhance access to specialized services and education for children with disabilities. However, the Committee regretted that there were no accurate figures on the number of children with disabilities in Bhutan and that the resources dedicated to guaranteeing the implementation of the rights of children with disabilities were inadequate. The Rapporteur appreciates that Bhutan has since conducted the two-stage child disability survey in 2010–2011 and continues to work with partners to strengthen access for children with special needs.

67. The Committee on the Rights of the Child recommended that Bhutan develop more schools which cater to children with special needs, develop an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs, while focusing on day-care services for such children in order to prevent their institutionalization.

68. The Special Rapporteur would like to refer to the national report of Bhutan to the universal periodic review in 2014, which notes that there will soon be 15 schools capable of including children with special needs (see A/HRC/WG.6/19/BTN/1, para. 50). The

Rapporteur encourages Bhutan to strengthen the provisions related to special needs in its education policy framework.

G. Regulating private education

69. The emergence of a private education sector in Bhutan is a matter of concern to the Special Rapporteur. There will need to be a sound regulatory framework, in order to ensure conformity with human rights law, as well as constitutional law and national education policies. That is critically important in order to to prevent for-profit education providers from undermining the right to education.

70. The guidelines for private schools in Bhutan provide for a memorandum of understanding between the Department of School Education and the proprietor of a school, pursuant to the government policy regarding the establishment of private schools, which requires them to fix and declare the yearly lump-sum school fees for a student for one academic year. Such guidelines should be strengthened and take the form of regulations, so that private providers are not allowed to charge exorbitant fees and reap profits.

71. Regulations are also important in other respects, such as when private providers seek to exploit parents by providing substandard education or deploying underqualified teachers, which compromises minimum standards of education. Moreover, expensive, elite private schools will draw the best-performing teachers from public schools. Catering to the children of the emerging middle class, privatization also engenders disparities in access to education, resulting in marginalization and social inequality. Regulations and their enforcement for private sector institutions will therefore become increasingly important. It was reported to the Special Rapporteur that private schools actually follow the public school curriculum, but that there was no particular policy or regulation in that regard. The Ministry of Education, which is responsible for quality control, has very limited capacity to carry it out effectively. The Special Rapporteur urges the Government to pass regulations which mandate private schools to meet national standards, including those regarding access for persons with disabilities, and to develop administrative procedures, such as a school oversight board or committee, which allow parents easily to file complaints about violations by schools with the Ministry of Education. That will supplement any official oversight mechanisms, which are often inadequately staffed.

H. Technical and vocational education and training and skills development

72. In 2010, Bhutan adopted an extensive national human resource development policy. The Government has set professional, technical and vocational education as the highest priority within the education sector. Areas of priority concern include public-private partnerships and industry collaboration; on-the-job training; flexible career pathways; the introduction of short-term courses in vocational institutes; the promotion of entrepreneurship by training institutions; targeting the needs of women students; further development of the Bhutan vocational qualifications framework; and recognition of prior learning. The main strategy for implementation is to strengthen coordination between and among stakeholders in human resources development.

73. The Special Rapporteur witnessed the success of students pursuing the traditional arts and crafts being taught by the Institute of Zorig Chosum. Graduates have found a ready market for their skills, and have become successful, self-employed artists, which is an important means of supporting the national cultural heritage. He considers that those programmes, fostered with the contribution of the Tarayana Foundation, should be carefully expanded, as they provide an excellent way of promoting both cultural development and

avenues for employment generation. Technicians, craftsmen, managers and operators are critical to the success of industry. As Bhutan modernizes, the need for such skills will only grow.

74. Private providers of vocational training in Bhutan are subject to registration and accreditation. Accreditation of specific courses is voluntary and confers on the recipient official recognition. However, challenges remain for understaffed departments and their, at times, undertrained officials.

75. Vocational training is seen by primary and secondary school students, teachers and administrators as a career path for low-performing students and school dropouts. Making technical and vocational training and education better esteemed within Bhutan must begin in the school system. At present, the final two years of secondary school are focused on streaming students into university or white-collar careers, with only those who do not succeed considering options for vocational training. The Special Rapporteur considers it critically important to take steps towards transforming the perception of technical and vocational education and training as a career path of last resort; technical and vocational education and training should be made more attractive and better esteemed socially and professionally. It should be geared to produce the skilled workers that Bhutan requires.

76. Collaboration with the private sector was reported to be weak in all areas apart from tourism and many companies prefer to hire employees from abroad, justifying their choice by the lack of skilled local workers. In part, that is because technical programmes are not aligned with the needs of the private sector, while employers find it more expedient to hire workers internationally, rather than engage with improving the education system.

77. During the visit, the Rapporteur noted the weak infrastructure of technical and vocational education and training institutions and their lack of financial resources, which are constraints on the system. In that context, the Special Rapporteur wishes to recall the UNESCO Revised Recommendation concerning technical and vocational education (2001), which states that: "Government and the private sector should recognize that technical and vocational education is an investment, not a cost, with significant returns". A high level of technical education is important for graduates to be attractive to potential employers.

78. Unlike other types of education, technical and vocational education and training require institutionalized cooperation with industry, with a focus on skills development, which responds to industry requirements. Education Ministry officials should actively seek engagement with industry, in order to ensure that students have assured opportunities of receiving vocational training in enterprises and are able to acquire technical competencies attuned to the requirements of their future employers.

79. Recognizing the weaknesses of technical and vocational education and training, the Government has recently undertaken significant reforms to the system. The Special Rapporteur hopes that those reforms will lead to a transformation of technical and vocational education and training under the aegis of the National Technical Training Authority, which is responsible for regulation under the Ministry of Labour and Human Resources.

I. Monastic education

80. Bhutan has an ancient tradition of accepting young men, and now young women, into monasteries to pursue an alternative form of education. The monastic education system is self-regulated and, while it is still held in high esteem, care must be taken to ensure that the system modernizes in tandem with other reforms in Bhutan. The monastic system does provide valuable cultural and historical teachings, which may complement the curricula in the public education system. Experiments were conducted at Sang Chokhor Shedra and

other places in an effort to find convergence between traditional and modern pedagogy and curricula, and this should be strengthened and continued, with the full understanding that public education, in contrast to the monastic system, must be secular in nature. The monastic education system should also allow for students to join the public system at any time and vice versa, to ensure that those complementary traditions work together to strengthen the social fabric of the nation and do not result in the creation of further inequalities. It was reported that many students in the monastic system are from very poor backgrounds, whose parents have brought them there, as they are unable to support their children. It is difficult for such children to exit the system and attend the formal school system.

J. Preserving and valorizing national languages

81. The decision to provide education in English is an important means for a small, landlocked country to ensure its graduates are able to avail themselves of international opportunities. The success of its students in international programmes and in the ongoing development of the economy is perhaps a testimony to this.

82. However, the preservation of Dzongkha as a national language is an issue which deserves consideration. The Special Rapporteur was concerned to receive reports during his visit that some students were unable to write well in Dzongkha and that other Bhutanese languages were not even offered as a second language in any curriculum. In some cases, particularly with grade 10 school leavers, students were reportedly not fully proficient in either Dzongkha or English.

83. The Special Rapporteur considers this a cause of great concern, as it would be a national setback if English became the national language and Dzongkha and other languages were gradually forgotten. That would also be contrary to the second pillar of gross national happiness, which seeks to celebrate the diversity of Bhutanese cultures and languages. It should be addressed seriously and quickly, particularly at the primary school level where language skills are most easily learned. The Government should consider whether a bilingual education, with English, mathematics and science taught in English and all other subjects taught in Dzongkha, might prove an effective long-term strategy for preserving Dzongkha.

VIII. Conclusions and recommendations

84. **Bhutan should be commended for its commitment to strengthening its education system and for placing it at the heart of its national development plans. Attaining the education-related Millennium Development Goals and achievements in literacy for a least developed country such as Bhutan is praiseworthy. That commitment is already paying dividends, as it has contributed to the rapid development of the country. Bhutan is also showing a path to development that seeks to escape the social and environmental damage seen in many other countries. The pledge by the Government of ensuring "prosperity for all" through the effective empowerment of its people (*wangtse chhirpel*) must be applauded.**

85. **The rich traditions of Bhutan have led to the development of the concept of gross national happiness. Educating for gross national happiness is a commendable national endeavour to instil into children the social and moral values that help to address the challenges which may arise with rapid economic development. The importance of a model of development founded upon concepts of happiness and well-being, which echoes the philosophic traditions of Bhutan, and which seeks to put the**

human being at the centre of development, must be recognized in terms of human rights values and a human rights-based approach to development. While it remains a work in progress, the Special Rapporteur is of the opinion that this concept is an invaluable contribution to the global understanding of the need for an alternative approach to measuring growth and development merely in terms of gross national product.

86. Educating for gross national happiness seeks to put the concept of gross national happiness into practice. In addition to integrating it in the school curriculum, Bhutan seeks to incorporate its values into teaching methods, school facilities and student behaviour patterns. The Special Rapporteur strongly encourages all nations to look at the Bhutanese example of how that concept has been operationalized and to adopt measures which expand education to include measures beyond those furthering economic development alone.

87. Taking into consideration his findings during the visit, the Special Rapporteur wishes to make the following recommendations with a view to contributing to the full enjoyment of the right to education in Bhutan.

A. Ratification of international treaties related to the right to education

88. Bhutan should take steps to sign and ratify the International Covenant on Economic, Social and Cultural Rights and the UNESCO Convention on the Elimination of Discrimination in Education, which provide comprehensively for the right to education. Bhutan can enhance its international standing and further recognize its constitutional and policy achievements by adopting those instruments.

B. Strengthening the domestic legal framework

89. The State should adopt comprehensive legislation in keeping with the provisions on the right to education in the constitution and with its international obligations. Accordingly, the Government should develop a legal framework for the right to education covering key areas, such as the right to quality education, the status of teachers, domestic financing of education and the regulation of private providers of education. That can be achieved either by a new comprehensive law, or by specific legislation in those areas of critical importance.

90. Such a legal framework should be applicable to both State-run and private schools. Bhutan should take additional measures to strengthen its education system and adopt a legal framework, which sets a minimum floor for spending on education. That would ensure that education remains a high priority even as governments change.

C. Universalizing access to education without discrimination or exclusion

91. Bhutan must take further measures aimed at ensuring the enjoyment of the right to education by every child throughout the country, without discrimination or exclusion. The Special Rapporteur encourages the Government to take the necessary steps to ensure that all children, even in remote areas, are able to enrol in schools, continue their education and not to be sidelined by a lack of the support they need. He also encourages the Government to consider further ways whereby students with disabilities are given the opportunity to integrate into the regular system. Similarly, issues around the exclusion of some children lacking appropriate documentation must

be addressed. The continuing existence of school or university admission policies or practices which may discriminate against some students must be identified and abolished.

D. Special consideration for education for the empowerment of girls

92. The Special Rapporteur would like to encourage the Government to give special consideration to education aimed at the empowerment of girls and to take additional measures to improve the educational achievements of girls in the later years of education. Targeted measures are needed to ensure that girls have the confidence and support to reach their full potential in education and any barriers to that should be addressed. Efforts aimed at achieving gender parity in tertiary education should continue, as there are still only three women for every five men in tertiary institutions. Increased female representation in the civil service and the national parliament will provide additional role models for schoolgirls and encourage them to transform their lives.

E. Improving the quality of education

93. Despite tremendous progress made in Bhutan, particularly in the area of improving access to education for all, there is a need to focus on quality, which has been recognized by the Government.

94. In order to improve quality, curriculum reform should be continued in an effort to improve educational attainments in academic disciplines and bring the values of gross national happiness and national traditions to children. Recognizing that qualified teachers are indispensable for enhancing the quality of education, teacher training should be increased, particularly for teachers at the primary level, who remain underqualified. Improving the working conditions of teachers and enhancing their social standing, as well as their professional status, should be a key concern in education reforms.

95. Any decision to close rural schools and construct regional boarding schools should be taken in consultation with parents and communities, bearing in mind the best interests of the children concerned. The public authorities must ensure that the education provided in schools in the largely rural and marginalized communities meets national standards and does not foster inequalities.

96. The Government should step up its efforts to promote education for democratic citizenship, as part of its programme of education and training on human rights and universal values. The dimension of human rights education of the International Decade for the Rapprochement of Cultures, which was launched in 2013, is an important emerging concern in the field of education.

F. Reinforcing educating for gross national happiness

97. The Special Rapporteur would like to commend the Government of Bhutan for embracing the concept of education for gross national happiness and its efforts to give shape to it. The efforts to counterbalance increasing materialism and commercialization in society by attaching a high degree of importance to the humanistic mission of education are commendable, as rapid economic development and urbanization risk creating a generation which focuses solely on material well-being.

98. Educating for gross national happiness, curriculum reform and practical measures to ensure teachers are demonstrating gross national happiness in their daily actions, will all assist in operationalizing the overarching concept for creating universal values. The Government should continue to support efforts by universities and the intellectual community to conduct research to better understand the concept of gross national happiness and to find the most effective means of operationalizing it. Efforts made by the Royal University of Bhutan, the Centre for Bhutan Studies, GNH Research, and others in that field deserve support.

99. The Special Rapporteur supports the preparation of the national blueprint for education, built upon past experiences, as a road map that will impart further strength to a people-centred, holistic path to development, making Bhutan exemplary as a small country in terms of educating for gross national happiness.

G. Preserving and valorizing national languages

100. The Government should take steps to preserve and valorize Dzongkha as the national language. That would respond to the second pillar of gross national happiness, which seeks to celebrate the diversity of the cultures and languages of Bhutan. Dzongkha should be a medium of instruction, particularly at the primary school level where language skills are most easily learned. The Government should consider whether bilingual education, with English, mathematics and science taught in English and all other subjects in Dzongkha, might prove an effective long-term strategy for preserving Dzongkha.

H. Regulating private education

101. The Government must develop a policy and legislative framework to regulate private education institutions to ensure that education is safeguarded as a public good and is not reduced to a for-profit business. The negative impact of private providers in education on the right to education as an inalienable right of every child, without regard to economic status, social situation or property, should be a matter of critical concern to the public authorities.

102. In Bhutan, as in other countries, privatization in education is a growing trend. The Government should ensure that private schools follow the public curriculum and that only qualified teachers are employed in them. It should also ensure that fees charged by private providers are well regulated. The Special Rapporteur would like to encourage the Government to build on the existing guidelines for private schools in Bhutan by legislating for a regulatory framework that will ensure that the social interest in education is not sacrificed for the sake of private profit and education is preserved as a common good.

103. Further, special care must be taken to ensure that private schools do not replace the public system for higher performing or wealthy students and thereby exacerbate the inequality within the country. That is best addressed by ensuring that public education remains the first choice of all parents owing to its high quality.

I. Strengthening technical and vocational education and training

104. The Government should ensure that a viable, attractive technical and vocational education and training programme, integrated into secondary education, receives full support so that all students receive a high-quality education geared to

skills development. It should review its post-secondary educational investment priorities, with more funding for such programmes and institutions. They are of strategic importance in terms of skills development and can provide great leverage in addressing the present 12 per cent poverty rate by empowering students from poor families through technical and vocational education and training.

105. Developing innovative approaches in national human resource policies and the education system, including competency-based qualifications programmes for technical and vocational education and training aimed at creating a competent and skilled national workforce, are necessary if Bhutan is to reduce its dependence on foreign workers. Programmes in technical and vocational education and training for developing the skills needed in natural resource extraction, hydropower and ecotourism can prepare graduates for deployment in the workforce in those areas. The necessary steps should be taken to develop an institutionalized framework of collaboration with the private sector for promoting technical and vocational education and training and developing the necessary skills. Such collaboration could include, for example, sponsorship of specific programmes needed by particular industries; and work placement programmes for students in technical and vocational education and training based upon the dual system (training in schools as well as in enterprises). In-school vocational training fairs, on-site school visits and similar initiatives may help students to appreciate better the career possibilities associated with non-academic career options. Teachers must also be trained to enable them to guide students better towards non-academic career options, for example through aptitude tests.

J. National investment in education on an enduring basis

106. Bhutan should adopt a legal framework which ensures a minimum floor for spending on education, such as 4 to 6 per cent of GDP, or 15–20 per cent of the national budget on an enduring basis. That is necessary to sustain education as one of the highest priorities, even as governments change over time. Bhutan should begin planning for the possibility of receiving less international financial assistance as it advances towards becoming a middle-income country. To maintain its growth, it will need to find domestic, sustainable ways to support its education system. A legal framework is essential to ensure sustainability and continuity in investment in education.

K. Compatibility of monastic education with the formal education system

107. There is space for the formal education sector to import some of the universal human values and philosophic traditions being taught in the monastic system. At the same time, the Government should engage in discussions with the monastic authorities to ensure that graduates of that system receive the same basic education in fields such as languages, arts, science and mathematics. The State must ensure that children from economically disadvantaged families are not further disadvantaged in their employment or academic opportunities through a monastic education.

L. Fostering global interest in educating for gross national happiness in the context of the post-2015 development agenda

108. As stated in the report entitled "Happiness: towards a new development paradigm", the "time has never been more opportune to re-orient the goal of development towards genuine human happiness and the well-being of all life. There is

a growing global consensus on the need and urgency for such a holistic new model."[19] There is much for the world to learn from that concept and the Special Rapporteur would like to urge the Government of Bhutan to make every effort to share and disseminate those ideas throughout the world, recognizing that educating for gross national happiness is an important way to achieve the education objectives set out in the Universal Declaration of Human Rights. In resolution 65/309, the General Assembly recognized happiness as a holistic approach to development and welcomed further international discussions on the theme. That demonstrates the global interest in the concept of gross national happiness and the Special Rapporteur considers that it is opportune for the Government to continue its pioneering efforts to bring the concept forward in discussions on education-related goals in the post-2015 development agenda, particularly on the occasion of the United Nations summit for the adoption of the post-2015 development agenda, to be held in September 2015.

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[19] National Development Paradigm Steering Committee and Secretariat, "Happiness: towards a new development paradigm" (2013).